

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MATTHEW ANDREW GARCES,
INDIVIDUALLY AND AS HEIR OF THE
ESTATE OF DARLENE GARCES
CARUTH;

Plaintiff,

VS.

CITY OF SAN ANTONIO, SAPD,
SERGEANT FNU MARFIN, SAPD
COLD CASE SUPERVISOR;
INDIVIDUALLY/OFFICIALLY;
MIGUEL CONTRERASSR., JOHN
DOES 1-10, SAPD OFFICERS;

Defendants.

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

To the Honorable United States District Judge Jason Pulliam:

This Report and Recommendation concerns the above-referenced case and pro se Plaintiff Matthew Garces’ pending Motion to Proceed *In Forma Pauperis* (“IFP”), Dkt. No. 1. Such applications are automatically referred to a magistrate judge for disposition, pursuant to 28 U.S.C. § 636(b) and the June 30, 2025, Standing Order regarding Court Docket Management of Cases Involving Applications to Proceed *in Forma Pauperis* for the San Antonio Division of the Western District of Texas. For the reasons set forth below, this case should be **DISMISSED without prejudice**.

This case is one of numerous pro se lawsuits filed by Plaintiff.¹ Many of Plaintiff's claims have been dismissed for failure to state non-frivolous claims. In light of Plaintiff's pattern of filing frivolous matters, Magistrate Judge Bemporad recommended that Plaintiff be declared a vexatious litigant. *See Garces v. Rossbach, et al.*, 5:25-cv-441-JKP-HJB, Report and Recommendation (W.D. Tex. June 4, 2025). Plaintiff Garces filed the present case after Judge Bemporad's recommendation was entered on the docket.

The District Court adopted Judge Bemporad's Report and Recommendation, declared Plaintiff a vexatious litigant, and enjoined him from filing civil suits in the Western District of Texas without first obtaining leave of Court. *See Garces v. Rossbach, et al.*, 5:25-cv-441-JKP, Order (W.D. Tex. September 4, 2025). In light of the pre-filing injunction imposed upon Plaintiff, this case should be **DISMISSED WITHOUT PREJUDICE** to refiling, should Plaintiff obtain prior permission from the Court to do so.

Instructions for Service and Notice of Right to Object/Appeal

The United States District Clerk shall serve a copy of this report and recommendation on all parties by either (1) electronic transmittal to all parties represented by attorneys registered as a "filing user" with the clerk of court, or (2) by mailing a copy by certified mail, return receipt requested, to those not registered. Written objections to this report and recommendation must be filed **within fourteen (14) days** after being served with a copy of same, unless this time period is modified by the district court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Objections, responses,

¹ *See, e.g., Garces v. Hernandez, et al.*, 5:25-cv-81-JKP; *Garces v. Hernandez*, 5:25-cv-82-FB; *Garces v. City of San Antonio, Attorney Deborah Klein et al.*, 5:25-cv-127-FB; *Garces v. Garland, et al.*, 5:25-cv-128-FB; *Garces v. Mohammed*, 5:25-cv-141-JKP-ESC; *Garces v. United Health Care, United Health Care Group*, 5:25-cv-00256-XR-RBF; *Garces v. Hernandez*, 5:25-cv-00312-XR; *Garces v. Ruiz et al*, 5:25-cv-00339-JKP-HJB; *Garces v. Rossbach et al*, 5:25-cv-00441-JKP; *Garces v. Doe et al.*, 5:25-cv-578-OLG-RBF; *Garces v. Bisignano*, 5:25-cv-579-XR-HJB; *Garces v. Saenz et al.*, 5:25-cv-605-OLG; *Garces v. Smith et al.*, 5:25-cv-607-XR-HJB; *Garces v. Tenet Health, et al.*, 5:25-cv-636-OLG; *Garces v. Pain & Spine Physicians of SA PLLC*, 5:25-cv-637-XR-HJB; *Garces v. Garcia*, 5:25-cv-686-FB-HJB; *Garces v. Huerta et al.*, 5:25-cv-633-XR.

and replies must comply with the same page limits as other filings, unless otherwise excused by the district court's standing orders. *See* Rule CV-7. The objecting party shall file the objections with the clerk of the court and serve the objections on all other parties. A party filing objections must specifically identify those findings, conclusions, or recommendations to which objections are being made and the basis for such objections; the district court need not consider frivolous, conclusory, or general objections. A party's failure to file written objections to the proposed findings, conclusions, and recommendations contained in this report shall bar the party from a *de novo* determination by the district court. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985); *Acuña v. Brown & Root, Inc.*, 200 F.3d 335, 340 (5th Cir. 2000). Additionally, failure to timely file written objections to the proposed findings, conclusions, and recommendations contained in this report and recommendation shall bar the aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

IT IS SO ORDERED.

SIGNED this 17th day of November, 2025.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE